

# Emergency Use

## Required Information for Requesting a Basin Plan Prohibition Exemption on an Emergency Basis to use Aquatic Pesticides

**Project Category:** Emergency Projects

**Typical Applicant:** Water Purveyors, Resource Agencies such as DFG and USFWS that are responsible for controlling first introduction of invasive species.

**Typical Activity:** Eradication of newly detected population of quagga/zebra mussels that threaten a water intake. Emergency Projects are circumstances that require immediate action (aquatic pesticide use) to control the pest of concern.

**Prohibition Exemptions for the above types of activities are automatically granted by the Pesticide Basin Plan Amendment if the project applicant meets the Emergency Project definition and submits an exemption request to the Water Board with required information.**

### Required Information Checklist

☐ Written explanation of how the project fits one of the two “emergency” definitions, below:

1. Public Resource Code section 21060.3: "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.
2. CEQA guidelines 15269(a)(b)(c) for “Emergency Project”:
  - (a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.
  - (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

- ☐ Project description including, proposed schedule, duration, name of pesticide, chemical composition of the pesticide to be used, including inert ingredients if available from the manufacturer method and rate of application, spatial extent, water body, control/mitigation measures to be used, contact information.
- ☐ Purpose and Goals statement that (a) demonstrates that the target organism is a primary cause of the problem being addressed, and (b) provides evidence that the proposed application of pesticides will accomplish the project goals.
- ☐ An explanation of how the planned treatment will result in the minimum discharge of chemical substances that can reasonably be expected for an effective treatment.
- ☐ An explanation of how the aquatic pesticide applications will minimize impacts to beneficial uses by describing the BMPs that will be implemented to limit the effects of the pesticide to the shortest time and within the smallest area necessary for project success. This includes a Spill contingency plan that addresses proper transport, storage, spill prevention and cleanup to protect human health and the environment.
- ☐ Public Notification Plan
- ☐ For Lake Tahoe projects, the applicant must notify affected drinking water purveyors (include Tahoe Water Suppliers Association) of the proposed pesticide application. The applicant must provide the Water Board with comments received from and responses to water purveyors' comments.
- ☐ Notice of Exemption (NOE) has been filed, as required under CEQA. (If applicant is a federal entity, then Water Board will file the NOE.)
- ☐ Notice of Intent for coverage under the appropriate State Board or Regional Water Board permit or a report of waste discharge for pesticide use not covered under an existing NPDES General Permit for aquatic pesticide discharges. You must obtain or seek coverage under the appropriate permit within 30 days after the NOE is filed.